

REMARKS

Drawings

In the Office Action, the Examiner approved the content of the changes made to the drawings filed on November 17, 2004, but objected to the drawings because the amended figures were not marked as "Replacement Sheet" in the top margin. The undersigned attorney apologizes for this oversight and submits properly marked drawing as attachments to this paper. The objection to the drawings should be obviated by the submission of the amended drawings.

Claim Status

Claims 1, 2, 4, 7-11, 13, 17, 18, 20, 23-27, 29, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 88, 89, 91, 95-97, 99, 102, 103, 105, 109, 110, 112-118, 120-128, 130-135, 137-141, 143-147, and 149-155 are pending in the application. This paper amends claims 17 and 33 and cancels all previously withdrawn claims without prejudice or disclaimer. Claims 1, 17, 33, 45, 81, 95, 109, 117, 125, 132, 139, 145, 151-153, and 155 are the independent claims of the application.

Art Rejections

In the Office Action, independent claims 1, 17, 33, 45, 81, 95, 109, 117, 125, 132, 139, 145, 151-153, and 155 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanskanen, U.S. Patent Number 6,579,184 ("Tanskanen" hereinafter) in view of Online MONOPOLY® and

Stancill, U.S. Patent Number 4,421,314 (“Stancill” hereinafter). In rejecting these claims, the Office Action asserted that Tanskanen discloses “inputting, by a player . . . an instruction (player input) to determine an outcome (game progression).” In particular, the Office Action cited Tanskanen, the Abstract; column 1, line 29 through column 2, line 28; column 3, lines 6-21, 27-34, and 37-39; column 4, lines 9-26; column 5, lines 26-41; and claims 1-5. It appears, however, that Tanskanen’s cited portions disclose player input, but not a specific *instruction to determine an outcome*, that is, an instruction to determine a result or consequence. Note also that the *outcome* inputted in claims 1, 17, 33, 45, 109, 117, 125, 132, 151-153, and 155 is a *random outcome* because each of these claims also recites a step or an element for randomly determining the outcome or a signal representing the outcome, or a similar limitation. Claims 17 and 33 have been amended to clarify this limitation further. The Office Action acknowledged (at page 5) that “Tanskanen does not explicitly disclose a game that progresses via a random outcome.” Therefore, Tanskanen apparently cannot disclose inputting an *instruction to determine a random outcome*, as claims 1, 17, 33, 45, 109, 117, 125, 132, 151-153, and 155 require, either implicitly or explicitly.

The Office Action also asserted that Online MONOPOLY® teaches “displaying a game accessory (simulated die) at each terminal . . . [that] indicates the outcome and identifies the player who inputted the instruction (the player’s token will be highlighted and moved on each player’s screen for each turn).” Thus, according to the Office Action, in Online MONOPOLY® the outcome is displayed on the simulated die, while the player identification is displayed through the player’s token. In contrast, each independent claim of the present application recites a game accessory on each terminal that both (1) indicates the outcome, and (2) identifies the player. Online MONOPOLY® does not disclose the step of displaying a single game accessory that indicates the

outcome and identifies the player who inputted the instruction, as is recited in each of the pending independent claims.

The Office Action further stated that Online MONOPOLY® teaches “randomly determining at said one terminal (simulated die roll), a signal representing said outcome to send to each other terminal of said plurality of terminals for display (the player’s token will be highlighted and moved on the screen).” This statement confuses *displaying* the outcome with *determining* the outcome. Online MONOPOLY® apparently does not disclose where the outcome (or the signal representing the outcome) is determined. In contrast, independent claims 1, 17, 33, 45, 81, and 95 all recite that the signal is determined “at said one terminal,” *i.e.*, at the player’s terminal, and not at the game server; independent claims 109, 117, 125, 132, 139, 145, and 151 similarly recite that the determination is made in the “wireless telephone.” When this argument was raised on one prior occasion, the Examiner pointed out that the “Online MONOPOLY® software resides on a game player’s personal computer, therefore, the signal is determined (or at least initiated) at a player’s personal computer, rather than at a central server.” This statement apparently recognized that Online MONOPOLY® does not specifically teach where the signal is determined. Indeed, merely having software on the player’s computer does not indicate that the software performs the determination. Initiating the process of signal determination at the terminal does not necessarily require that the signal is determined at the player’s terminal. The step of initiating or requesting the determination is different from the step of actually performing the determination.

Claims 8, 24, 109, 117, 125, 132, 151, 153, and 154 recite limitations relating to the use of dual-frequency (DTMF) signaling to transmit outcome information. According to the Office Action, Tanskanen discloses “game system and method to play a game over a telephone or wireless

telephone communication network where player inputs to the game(s) are dual-tone multi-frequency (DTMF) signals.” The issue, however, is not whether Tanskanen discloses transmitting player inputs using DTMF, but whether Tanskanen discloses transmitting outcome information using DTMF. Applicant respectfully submits that Tanskanen does not disclose this limitation.

Claims 11, 27, 34, 46, 115, 123, 127, and 134 recite limitations relating to representation of each terminal identifier with light emitting diodes (LEDs) of different colors. According to the Office Action, Stancill suggests this limitation at column 3, lines 40-57. Applicant notes that Stancill does not disclose or suggest the use of LEDs. Moreover, Stancill does not disclose or suggest the use of remote terminals. Stancill’s invention was “a game board” on which “[t]wo players compete by alternately rolling the dice.” Stancill, the Abstract. Therefore, Stancill apparently has no use for terminal identifiers – for there are no terminals to identify. Although Stancill mentions using pieces/chips of different colors for different players, it appears that Stancill cannot logically suggest using (undisclosed) LEDs to identify (undisclosed) terminals.

The above discussion addresses patentability of all independent claims and of several dependent claims of the application. The dependent claims not specifically discussed should be patentable together with their base claims and intervening claims, if any.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests reconsideration and allowance of all claims.

To discuss any matter pertaining to the instant Application, the Examiner is invited to call the undersigned attorney at (858) 720-9431.

Respectfully submitted,

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